



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

HC

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/873,215	06/11/97	HANSON	H 16312P001US

JAMES J MURPHY  
WINSTEAD SECHREST& MINICK  
5400 RENAISSANCE TOWN  
1201 ELM STREET  
DALLAS TX 75270

LM02/0202

EXAMINER

WEAVER, S

ART UNIT	PAPER NUMBER
----------	--------------

2748 13

DATE MAILED: 02/02/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
**08/873,215**

Applicant(s)  
**Hanson**

Examiner  
**Scott L. Weaver**

Group Art Unit  
**2748**



☒ Responsive to communication(s) filed on Nov 15, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-21, 23-34, 36, 37, 40-42, 44, 45, 48-60, and 62-70 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 48-52 is/are allowed.

☒ Claim(s) 1-21, 23-31, 53-60, and 62-70 is/are rejected.

☒ Claim(s) 32-34, 36, 37, 40-42, 44, and 45 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2748

### **Part III DETAILED ACTION**

1. Applicant's arguments with respect to claims 1-21, 23-34, 36-37, 40-42, 44-45, 48-60 and 62-70 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Drawings***

2. The drawings have been declared informal by the applicant. Correction will be held in abeyance until the application is indicated allowable.

#### ***Claim Objections***

3. Claims 29, 32, and 40 are objected to because of the following informalities:

In claim 29, insert "the" prior to 'call' on (ln.11) for proper antecedence.

In claims 32 and 40, the "/" should be changed to an "and" as the "/" by definition is to be taken as an "or".

Appropriate correction is required.

#### ***Claim Rejections - 35 U.S.C. § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-21, 23-31, 53-60 and 62-70 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The independent claims of those noted above use the phrase "adaptable for..." which is indefinite in that the term 'adaptable' implies the claimed limitation of the system may or may not provide the limitation as presented but may merely be 'adaptable' thereto, as such it could be considered inaccurate of the described invention that the intention thereof is to provide an adaptation of some existing circuitry as the claims suggest.

Art Unit: 2748

In claim 6, it is not clear as to what a "single set of software" implies or how this differs from any other software, no clear definition for a set of software or its meaning can be found to be known in the art.

In claim 13, it is not clear as to the intent of "recording the call", as it is not clear if this intends to refer to the audio portion of the call or to all of the signals including DTMF signals, ring signals, and the like.

### *Conclusion*

6. The definite patentability of claims 1-21, 23-31, 53-60 and 62-70 can not be determined at this time due to the nature of the confusion noted above. Claims 32-34, 36-37, 40-42, 44-45 and 48-52 would be allowable over the prior art of record at this time if the noted objections are corrected as the prior art of record at this time does not clearly teach the system as claimed via claims 32 with all of the functions of the interconnections as claimed, and likewise the steps of the methods as claimed via claims 40 and 48.

7. The prior art made of record and not relied upon is considered particularly pertinent to applicant's disclosure.

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-6306, (for formal communications intended for entry)

**Or:**

(703) 308-6296 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Serial Number: 08/873,215


4

Art Unit: 2748

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Weaver whose telephone number is (703) 308-6974. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Krista M. Zele, can be reached on (703) 305-4701.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
SCOTT L. WEAVER  
PRIMARY EXAMINER  
Art + Unit + 2748